

Message Text

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PAGE 01 STATE 065971
ORIGIN L-03

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C O N F I D E N T I A L STATE 065971

E.O. 11652: GDS

TAGS: AORG, OCON, UNESCO

SUBJECT: UNESCO MEETING ON DRAFT DECLARATION ON RACE AND
RACIAL PREJUDICE, MARCH 13-20: DRAFT RESOLUTION

REF: PARIS 08895

1. FOLLOWING ARE DEPARTMENT'S COMMENTS ON TEXT OF
PRELIMINARY DRAFT RESOLUTION FOR IMPLEMENTATION OF THE
DECLARATION.

2. PREAMBULAR REFERENCES ARE ACCEPTABLE.

3. IN OPERATIVE PARA. 1 THE WORD "URGES" IS ACCEPTABLE,
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PAGE 02 STATE 065971

ASSUMING OTHER CHANGES ARE OBTAINED IN SUBPARAS. 1(A)
AND (B). IF ACCEPTABLE CHANGES ARE NOT OBTAINED IN
SUBPARAS. 1(A) AND (B), SUBSTITUTION OF PHRASE "CALLS
UPON" FOR WORD "URGES" WOULD NOT BE SUFFICIENT TO
CHANGE DEPARTMENT POSITION.

4. OPERATIVE PARA 1(A) IS UNACCEPTABLE, PRIMARILY BECAUSE

OF REFERENCE TO APARTHEID CONVENTION. AS USDEL AWARE FROM PREVIOUS INSTRUCTIONS, US UNABLE TO SUPPORT APARTHEID CONVENTION BECAUSE OF ITS DESIGNATION OF APARTHEID AS A CRIME AGAINST HUMANITY AND BECAUSE THE DEFINITION OF

A CRIME OF APARTHEID AS CONTAINED IN THE CONVENTION IS SO BROAD THAT IT ENCOMPASSES CERTAIN CONSTITUTIONALLY PROTECTED ACTIVITIES. MOREOVER, US HAS BEEN UNABLE TO SIGN THE CONVENTION ON THE ELIMINATION OF DISCRIMINATION IN EDUCATION, BECAUSE IT REFERS TO SOME SUBJECTS WHICH ONE TRADITIONALLY LEFT TO STATES TO REGULATE. US WOULD BE ABLE TO ACCEPT PARA 1(A) IF PARA ENDED AFTER WORDS "IN COUNTERING AND ELIMINATING RACIAL DISCRIMINATION". DELETION OF WORD "THE" BEFORE "INTERNATIONAL INSTRUMENTS" WOULD MAKE THIS SOLUTION EVEN MORE APPEALING. ALTERNATIVELY, US COULD ULTIMATELY ACCEPT SUBSTITUTION OF WORDS "TO CONSIDER RATIFYING" FOR "TO RATIFY".

5. WITH RESPECT TO SUBPARA B, DEPARTMENT NOTES THAT ARTICLE 4 OF RACIAL DISCRIMINATION CONVENTION REQUIRES THE CONDEMNATION OF ALL PROPAGANDA AND ORGANIZATIONS BASED ON THEORY OF SUPERIORITY OF A CERTAIN RACE. WHEN THIS CONVENTION WAS SENT TO THE SENATE FOR RATIFICATION, THE PRESIDENT RECOMMENDED A RESERVATION TO THE CONVENTION ON THIS PARTICULAR ARTICLE. THE US CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 065971

CANNOT AGREE TO BE "GUIDED" BY THIS ARTICLE. IF REFERENCE TO THIS ARTICLE IS DELETED, DEPARTMENT CAN ACCEPT INCLUSION OF THE ARTICLE IN THE DRAFT RESOLUTION. INSERTION OF LANGUAGE "CONSISTENT WITH CONSTITUTIONAL PROCESSES AND PRINCIPLES" AFTER "TO TAKE APPROPRIATE MEASURES", SO THAT IT REFERS BOTH TO MEASURES TO PUNISH DISCRIMINATION AND TO PROVIDE REPARATION, WOULD IMPROVE ARTICLE FROM OUR STANDPOINT. IF THIS ADDITION IS NOT ACCEPTED, US WOULD HAVE TO MAKE STATEMENT TO EFFECT THIS IMPLICIT IN PHRASE "APPROPRIATE MEASURES".

6. DEPARTMENT GENERALLY SUPPORTS EFFORTS TO INCREASE RECOURSE TO ICJ. ACCORDINGLY, DEPARTMENT IS PREPARED TO ACCEPT SUBPARA (D) BUT WOULD APPRECIATE REASONS FOR POSITION EXPRESSED BY DEL ON THIS PARA, ESPECIALLY SINCE ARTICLE MERELY "REQUESTS" THE SECRETARY-GENERAL TO PREPARE PROPOSALS.

7. IF BOTH CHANGES ARE MADE TO OPERATIVE PARA 1(A) AND (B) AS SUGGESTED ABOVE, USDEL CAN VOTE IN FAVOR OF TEXT. IF CHANGES ARE NOT MADE, USDEL IS INSTRUCTED TO ABSTAIN ON THE RESOLUTION. THESE INSTRUCTIONS ASSUME THAT

DRAFT DECLARATION IS OTHERWISE ACCEPTABLE.

8. DEPARTMENT DRAWS ATTENTION OF USDEL TO INSTRUCTION
IN PREVIOUS CABLES REGARDING ANY REFERENCE IN THE DRAFT
RESOLUTION OR CONFERENCE DECLARATION TO THE UN DECADE
ON RACE AND RACIAL PREJUDICE. VANCE

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